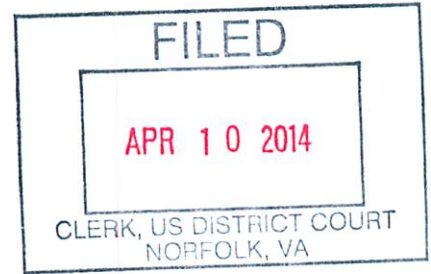


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA



PAMELA A. PARRIS,

Plaintiff,

v.

PNC MORTGAGE, a division of  
PNC BANK, N.A.,

Defendant.

Civil Action No. 2:14 cv 142

**NOTICE OF REMOVAL**

Defendant PNC Bank, National Association ("**PNC**"), by counsel, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby removes the action captioned *Pamela A. Parris v. PNC Mortgage, a division of PNC Bank, N.A.*, civil docket number CL14-1341 (the "**State Action**"), now pending in the Circuit Court of the City of Virginia Beach, Virginia (the "**State Court**"), to the United States District Court for the Eastern District of Virginia, and in support thereof states as follows:

1. The Plaintiff, Pamela A. Parris, filed a Complaint initiating the State Action on or about March 27, 2014, seeking, among other things, damages for alleged breach of a Promissory Note and Deed of Trust in connection with her property located at 401 Rennie Court in Virginia Beach ("Property").

2. Plaintiff previously filed an action in this Court (Civil Action No. 3:13-cv-860) ("Prior Suit") on December 31, 2013, asserting, among other things, nearly identical causes of action.

3. PNC filed its Motion to Dismiss the Prior Suit on February 21, 2014 [Docket Nos. 6 & 7]. Attached to the Motion to Dismiss were copies of the Promissory Note and Deed of Trust reflecting a loan of \$191,581.00.

4. After settling the Prior Suit with co-defendant, Experian, Plaintiff filed her Notice of Voluntary Dismissal as to PNC on March 25, 2014 [Docket No. 17], and then promptly filed the State Action.

5. Service of process was obtained on PNC on or about April 2, 2014. Therefore, this removal is timely filed pursuant to 28 U.S.C. § 1446(b).

6. A copy of all process, pleadings and orders filed or served in the State Action are attached as Exhibit A.

### **JURISDICTION**

7. This Court has original jurisdiction over the claims set forth in the Complaint pursuant to 28 U.S.C. § 1332 because the State Action involves a controversy among citizens of the Commonwealth of Virginia (Plaintiff) and PNC (a national banking association with its principal office located in Wilmington, Delaware) and the amount controversy is in excess of \$75,000.

8. The latest filing is Plaintiff's sixth different legal proceeding involving her Property (including two chapter 13 bankruptcies, one prior State Court complaint, and two prior federal complaints). All six cases sought to forestall the foreclosure of her home for which she is in excess of \$20,000 in arrears. As indicated in the Promissory Note, the house was valued at nearly \$200,000 at the time the loan was made in 2005. "In suits involving claims to real property, the amount in controversy is the value of the real property, not simply the amount of damages the plaintiff seeks." *Rehbein v. CitiMortgage, Inc., et al.*, 937 F. Supp. 2d 753, 758

(E.D. Va. 2013). Thus, the amount in controversy exceeds the threshold amount necessary for diversity jurisdiction.

**VENUE**

9. Venue is proper in this district and in this division pursuant to 28 U.S.C. §1391.

**JURY DEMAND**

10. Plaintiff made a demand for jury trial in the State Action.

**NOTICE**

11. Promptly after the filing of this Notice, PNC will serve written notice of this removal on all parties, and will file a copy of this Notice of Removal with the Clerk of the Circuit Court of the City of Virginia Beach (the "**Clerk**"). True and correct copies of the Notice of Filing Notice of Removal that will be sent to Plaintiff, defendant and the Clerk are attached hereto as Exhibit B.

**WHEREFORE**, PNC Mortgage, a division of PNC Bank, N.A., respectfully requests that the above action now pending against it in the Circuit Court of City of Virginia Beach be removed therefrom to this Court.

Respectfully submitted,

PNC Mortgage, a division of PNC Bank, N.A.



Christopher L. Perkins (VSB No. 41783)  
Christian Kirk Vogel (VSB No. 75537)  
LeClairRyan, A Professional Corporation  
Riverfront Plaza, East Tower  
951 E. Byrd Street  
P.O. Box 2499  
Richmond, Virginia 23219  
Phone: (804) 783-7550  
Fax: (804) 783-7686  
cperkins@leclairryan.com

CERTIFICATE OF SERVICE

I hereby certify that on this 9<sup>th</sup> day of April 2014, a true copy of the above document was served, via regular mail, postage prepaid, upon:

Leonard A. Bennett  
Susan Rotkis  
Robin A. Abbott  
Gary L. Abbott  
Consumer Litigation Associates, P.C.  
763 J. Clyde Morris Boulevard  
Suite 1-A  
Newport News, Virginia 23601  
Counsel for Plaintiff

  
\_\_\_\_\_  
Christopher L. Perkins